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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-ninth session
Agenda item 11

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

Mr. Ali Khan, Ms. Attah, Mr. Diaz Uribe, Ms. Gwanmesia, Mr. Maxim, Mr. Mehedi, Ms. Palley, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer: draft resolution

1997/... Review of further developments in fields with which the Sub-Commission has been or may be concerned

Recalling that since the adoption of its resolution 1 B (XXXII) of 5 September 1979, the Sub-Commission has considered ways of encouraging Governments to ratify or adhere to human rights instruments,

Recalling also its resolution 1994/31 of 26 August 1994, in which the Sub-Commission, acknowledging that no substantive progress had been made in its attempt to convince Governments of the utility of the involvement of the United Nations in assisting them to ratify human rights instruments and noting that Governments declined formally to respond to the Sub-Commission's invitation to clarify why they were unable to ratify them, decided to discontinue consideration of the matter under a separate agenda item but also decided to continue its consideration of these issues when they arose,

Recalling further the letter from the Chairman of the Committee on the Elimination of Racial Discrimination to the Chairman of the forty-eighth session of the Sub-Commission (see E/CN.4/Sub.2/1997/31), which includes a request for a study to be undertaken on reservations to treaties,

Recalling General Comment No. 24 adopted by the Human Rights Committee in 1994 (CCPR/C/21/Rev.1/Add.6), in which the Committee explained its jurisdiction on assessing the compatibility of reservations with respect to the International Covenant on Civil and Political Rights,

Recalling also the concern expressed by the Sub-Commission and the Committee on the Elimination of Discrimination against Women about reservations to the Convention on the Elimination of All Forms of Discrimination against Women,

Recognizing that the activities of the various bodies of the United Nations system should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines relating to the human person in order to promote all human rights effectively,

1. Considers that the preliminary conclusions of the International Law Commission on reservations to normative multilateral treaties including human rights treaties may be inconsistent with General Comment No. 24 of the Human Rights Committee and actions by other human rights treaty bodies;

2. Requests the Secretary-General to bring the preliminary conclusions of the International Law Commission on reservations to normative multilateral treaties including human rights treaties to the attention of the six human rights treaty bodies, and to ask them to transmit their views on the preliminary conclusions to the International Law Commission and the Sub-Commission.